

REMARKS

Applicant respectfully requests entry of the amendments and remarks submitted herein. Nonelected claims 3-40 have been canceled without prejudice to continued prosecution.

Claims 1 and 2 are currently pending. Reconsideration of the pending application is respectfully requested.

The 35 U.S.C. §103 Rejections

Claim 1 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Helmbrook et al. (US 2002/0042375) in view of Kim et al. (2002, *Am. J. Path.*, 160:219-26); and claim 2 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Helmbrook et al. and Kim et al. further in view of Nakao et al. (US 2002/0107273). According to the Examiner, Helmbrook et al. discloses administering a NSAID and a compound that is a PSA conjugate to a patient; Kim et al. discloses a quantitative method of determining the level of expression of an androgen receptor, and Nakao et al. discloses the specific NSAIDs of celecoxib and nimesulide. The Examiner asserted that it would have been obvious to a person of ordinary skill in the art to combine the teachings of Helmbrook et al. of contacting prostate cancer cells with a NSAID with the teachings of Kim et al. of measuring the expression level of the androgen receptor. These rejections are respectfully traversed.

The present invention is directed toward the discovery of the mechanism of action of NSAIDs with respect to inhibiting the proliferation of prostate cancer cells. In identifying that mechanism, which is attributed to, in addition to the expression of the androgen receptor, the transactivating ability and/or the IL6-mediated activation of the androgen receptor, the present inventors have provided for methods of screening for NSAIDs that are effective for inhibiting the proliferation of prostate cancer cells.

Helmbrook et al. discloses the claimed contacting step and Kim et al. discloses a portion of the claimed determining step. The Supreme Court stated that “a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art” (*KSR International Co. v. Teleflex Inc.*, 127 S. Ct., 1727, 1731 (2007)). The KSR Court also stated that “it can be important to identify a reason that would

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have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does" (*KSR* at 1731). Nothing in either disclosure or in the combination of disclosures, however, would have prompted one of ordinary skill in the art at the time the application was filed to evaluate the expression level, the transactivating ability and/or the IL6-mediated activation of the androgen receptor in prostate cancer cells in the presence of a NSAID. In addition, the Examiner has not articulated any reasoning to support the legal conclusion of obviousness.

The claimed methods are not obvious over the combination of Helmbrook et al. and Kim et al. In view of the remarks herein, Applicant respectfully requests that the rejection of claims 1 and 2 under 35 U.S.C. §103(a) be withdrawn.

### CONCLUSION

Applicants respectfully request allowance of claims 1 and 2. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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Date: \_\_\_\_\_

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